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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Rene BERTOCCHIO

Confirmation No.: 6610

Serial No.: 09/456,558

Art Unit: 1724

Filed: December 8, 1999

Examiner: I. C. Cintins
(703) 308-3840

Title: **PROCESS FOR DRYING
DIFLUOROMETHANE**

Attorney Docket No: 2988-700-999
(formerly 1798-7337)

PETITION TO REVIVE AN UNINTENTIONALLY ABANDONED
APPLICATION UNDER 37 C.F.R. § 1.137(b)

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OFFICE OF PETITIONS

**Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Sir:

Applicant respectfully petitions to revive the above-identified application under 37 C.F.R. § 1.137(b) on the ground that the application was unintentionally abandoned. The application became unintentionally abandoned for failure to file a timely reply to the *Ex Parte* Quayle Action mailed on January 15, 2003, which set a two month shortened statutory period for reply. Thus, the abandonment date of this application is March 16, 2003 (*i.e.*, the day after the expiration date of the period set for reply plus any extensions of time obtained therefor).

Applicant was first notified that the application was abandoned by Examiner Cintins by telephone in September of 2003, and received (by facsimile as the original was mailed to the attorney who's power of attorney has been revoked) a *Notice of Abandonment* on October 22, 2003, a copy of which is attached as Exhibit 1.

Pursuant to 37 C.F.R. § 1.137(b)(3), the entire delay in filing the required reply from the due date for the reply until the filing date of a grantable petition under 37 C.F.R. §1.137(b) was unintentional. Applicant respectfully requests that this *Petition Under 37 C.F.R. §1.137(b) to Revive an Unintentionally Abandoned Application* be granted.

Please note that Pennie & Edmonds LLP has been recognized by the USPTO as having a Power of Attorney in the above-captioned application. A copy of documentation to this effect is attached as Exhibit 2; paper #22 shows that the *Revocation and Power of Attorney* filed on October 23, 2002 appointing Pennie & Edmonds LLP was granted.

In accordance with Rule 137(b) of the Rules of Practice, Applicant hereby petitions for revival of the above-identified application. Pursuant to 37 C.F.R. § 1.137(b)(2), provisions for the required petition fee is provided herein below.

Pursuant to 37 C.F.R. §§ 1.137(b)(4) and 1.137(d), no terminal disclaimer is required since the instant application was filed on or after June 8, 1995.

Pursuant to 37 C.F.R. §§ 1.137(b)(1) and 1.137(c), Applicant submits concurrently herewith a Response to the outstanding *Ex Parte* Quayle Action, a *Request for Continued Examination* (RCE) under 37 C.F.R. 1.53(b), and a *Supplemental Information Disclosure Statement*.

Pursuant to 37 C.F.R. § 1.137(b)(2) and § 1.17(m), it is estimated that a fee of \$1,330.00 is due for this Petition. Please charge the required fee to Pennie & Edmonds LLP Deposit Account No. 16-1150. A copy of this document is enclosed for accounting purposes.

Date: November 12, 2003

Respectfully submitted,

Thomas G. Rowan
George A. Smith 42,140
Thomas G. Rowan 34,419
(Reg. No.)

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